

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK RONALD RUSSELL,

Plaintiff,

4:09CV3249

V.

ROBERT HOUSTON, DENNIS
BAKEWELL, MELVIN ROUF, CURTIS
MOFFAT, MICHAEL EDISON, and
MARK DANNER,

Defendants.

MEMORANDUM AND ORDER

The defendants have moved to strike Plaintiff's Exhibits 2, 7, 8 and 10 as set forth in the parties' exhibit list, (filing no. 73). After conferring with the parties, the court finds that the plaintiff did not timely and promptly disclose these exhibits to his court-appointed counsel or the defendants as required under Rule 26(a)(1) of the Federal Rules of Civil Procedure. See filing no. 80-1.

The plaintiff's oral motion to add an additional exhibit, (referred to during the telephone conference as proposed exhibit 31), is granted.

Accordingly,

- 1) The defendants' motion to strike, (filing no. 78), is granted.
- 2) The defendants shall file a revised exhibit list, with the deletions and addition discussed above and the listing of all objections thereto, by August 22, 2011.

DATED this 19th day of August, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge